

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

January 3, 2019

Elisabeth A. Shumaker
Clerk of Court

NATIONAL LABOR RELATIONS
BOARD,

Petitioner,

v.

UNITED STATES POSTAL SERVICE,

Respondent.

No. 18-9590
(NLRB No. 28-CA-200369)
(National Labor Relations Board)

ORDER

Before **TYMKOVICH**, Chief Judge, **EBEL**, and **LUCERO**, Circuit Judges.

THIS CAUSE was submitted upon the application of the National Labor Relations Board for the enforcement of a certain order on consent issued by it against Respondent, United States Postal Service, their officers, agents, successors, and assigns, on October 19, 2018, in Board Case Nos. 28-CA-200369, 28-CA-200383, 28-CA-200391, 28-CA-201087, 28-CA-201090, 28-CA-201099, 28-CA-201104, 28-CA-202180, 28-CA-202207, 28-CA-202217, 28-CA-202257, 28-CA-202264, 28-CA-202314, 28-CA-202752, 28-CA-202771, 28-CA-202783, 28-CA-203908, 28-CA-203913, 28-CA-203957, 28-CA-203975, 28-CA-204162, 28-CA-204169, 28-CA-204376, 28-CA-205049, 28-CA-205257, 28-CA-205561, 28-CA-208380, 28-CA-210464, 28-CA-

210533, 28-CA-210650, 28-CA-212893, 28-CA-207563 and 28-CA-217521; and upon the record in that proceeding, certified and filed in this Court enforcing the order.

ON CONSIDERATION WHEREOF, it is ordered and adjudged by the United States Court of Appeals for the Tenth Circuit that the order of the National Labor Relations Board be, and the same is hereby enforced; and that the Respondent, United States Postal Service, their officers, agents, successors, and assigns, shall abide by and perform the directions of the Board set forth in its order. (See Attached Order and Notice).

Entered for the Court

ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script, appearing to read "Lindy Lucero Schaible".

by: Lindy Lucero Schaible
Counsel to the Clerk

NATIONAL LABOR RELATIONS BOARD

v.

UNITED STATES POSTAL SERVICE

ORDER

United States Postal Service, Albuquerque, Espanola, and Rio Rancho, New Mexico, its officers, agents, successors, and assigns, shall

1. Cease and desist at the Respondent's facilities from
 - (a) Failing and refusing to provide, or unreasonably delaying in providing, APWU, Local 380 with requested information that is necessary for and relevant to APWU, Local 380's performance of its duties as the exclusive collective-bargaining representative of the Albuquerque unit.
 - (b) Making changes to the wages, hours, and other terms and conditions of employment of employees in the Albuquerque Unit, without notifying APWU, Local 380 or affording APWU, Local 380 an opportunity to bargain with respect to its conduct and/or the effects of its conduct, including by shutting down the facsimile machines at its North Valley Carrier Annex, Academy, Five Points, Foothill, or Pino facilities.
 - (c) Failing and refusing to provide, or unreasonably delaying in providing, APWU New Mexico with requested information that is necessary for and relevant to the APWU New Mexico's performance of its duties as the exclusive bargaining representative of the New Mexico unit.
 - (d) In any like or related manner interfering with, restraining, or coercing its employees in the exercise of their Section 7 rights.
2. Take the following affirmative action necessary to effectuate the policies of the Act.
 - (a) Within 14 days from the date of the Board's Order or an order of a court of appeals, furnish APWU, Local 380 with the information it requested on April 6, 2017, in writing, seeking copies of the Annual Box Section (Facility) Reports from 2008 through 2016.

- (b) Within 14 days from the date of the Board's Order or an order of a court of appeals, furnish APWU, Local 380 with the information it requested on April 7, 2017, in writing, seeking copies of the original duty assignment posting for ALL clerk bid jobs with split days off in the Albuquerque Installation.
- (c) Within 14 days from the date of the Board's Order or an order of a court of appeals, furnish APWU, Local 380 with the information it requested on April 7, 2017, in writing, seeking copies of the present-day duty assignment posting for ALL clerk bid jobs with split days off in the Albuquerque Installation.
- (d) Within 14 days from the date of the Board's Order or an order of a court of appeals, furnish APWU, Local 380 with the information it requested on April 8, 2017, in writing, seeking copies of all Mystery Shopper Reports for the North Valley Finance from January 2010 through March 31, 2017.
- (e) Within 14 days from the date of the Board's Order or an order of a court of appeals, furnish APWU, Local 380 with the information it requested on April 8, 2017, in writing, seeking copies of all Mystery Shopper Reports for ALL retail stations – to include POE's – for the Albuquerque Installation from January 10, 2010 through March 31, 2017.
- (f) Within 14 days from the date of the Board's Order or an order of a court of appeals, furnish APWU, Local 380 with the information it requested on April 8, 2017, in writing, seeking copies of all reports and surveys generated from the <http://postalexperience.com> or the 1-800-410-7420 as well as the "scan code for mobile device" for the North Valley Finance from January 2010 through March 31, 2017.
- (g) Within 14 days from the date of the Board's Order or an order of a court of appeals, furnish APWU, Local 380 with the information it requested on April 8, 2017, in writing, seeking copies of all reports and surveys generated from the <http://postalexperience.com> or the 1-800-410-7420 as well as the "scan code for mobile device" for all retail stations – to include POE's – in the Albuquerque Installation from January 2010 through March 31, 2017.
- (h)(1) Within 14 days from the date of the Board's Order or an order of a court of appeals, the Respondent will request in writing that National Association of Letter Carriers, Sunshine Branch 504, AFL-CIO (NALC, Branch 504) request that the following carriers sign waivers

for the Respondent to release their physician's reports to APWU, Local 380 and that NALC, Branch 504 provide any waivers signed by such carriers to the Respondent: Robert Geiger, Robert Chavira, Dee Dee Gonzales, William Roth, Shelly Sandoval, Maria Breaux-Gonzalez, Sandra Olguin, Janice Springer, and Leonard Rodrigues (the Carriers). The Respondent will provide NALC, Branch 504 waiver forms for the Carriers to sign. The Respondent will provide APWU, Local 380 and the Region with a copy of its written request to NALC, Branch 504 and any subsequent communications with NALC, Branch 504 about the request. If the Respondent receives waivers from any of the Carriers, the Respondent will, within 3 days of obtaining the waivers, furnish copies of the physician's reports for the Carriers who signed the waivers to APWU, Local 380.

- (h)(2) If, within 30 days from the date of the Board's Order or an order of a court of appeals, the Respondent has not received waivers from some or all of the Carriers, the Respondent will request in writing that the Department of Labor Office of Workers Compensation Programs (OWCP) furnish APWU, Local 380 with physician's reports for the Carriers or authorize the Respondent to release physician's reports for the Carriers to APWU, Local 380. The Respondent will provide APWU, Local 380 and the Region with a copy of its written request to OWCP and any subsequent communications with OWCP about the request. If OWCP authorizes the Respondent to release the physician's reports for the Carriers to APWU, Local 380, the Respondent will, within 3 days of receiving such authorization, furnish copies of the physician's reports to APWU, Local 380.
- (h)(3) If, within 45 days from the date of the Board's Order or an order of a court of appeals, the Respondent has not received waivers from some or all of the Carriers and OWCP has not furnished APWU, Local 380 with physician's reports for the Carriers or authorized the Respondent to release such documents to APWU, Local 380, the Respondent will request in writing that OWCP furnish APWU, Local 380 with physician's reports for the Carriers that have been redacted to remove all identifying information (deidentified physician's reports) or authorize the Respondent to release deidentified physician's reports for the Carriers to APWU, Local 380. The Respondent will provide APWU, Local 380 and the Region with a copy of its written request to OWCP and any subsequent communications with OWCP about the request. If OWCP authorizes the Respondent to release deidentified

physician's reports for the Carriers to APWU, Local 380, the Respondent will, within 3 days of receiving such authorization, furnish copies of the deidentified physician's reports to APWU, Local 380.

- (h)(4) If, within 60 days from the date of the Board's Order or an order of a court of appeals, the Respondent has not received waivers from some or all of the Carriers and OWCP has not furnished APWU, Local 380 with physician's reports or deidentified physician's reports for the Carriers to APWU, Local 380 or authorized the Respondent to release such documents to APWU, Local 380, the Respondent will request in writing that OWCP furnish APWU, Local 380 with copies of Form CA-17 for the Carriers or authorize the Respondent to release copies of Form CA-17 for the Carriers to APWU, Local 380. The Respondent will provide APWU, Local 380 and the Region with a copy of its written request to OWCP and any subsequent communications with OWCP about the request. If OWCP authorizes the Respondent to release copies of Form CA-17 for the Carriers to APWU, Local 380, the Respondent will, within 3 days of receiving such authorization, furnish copies of Form CA-17 for the Carriers to APWU, Local 380.
- (h)(5) If, within 75 days from the date of the Board's Order or an order of a court of appeals, the Respondent has not received waivers from some or all of the Carriers and OWCP has not furnished APWU, Local 380 with physician's reports or deidentified physician's reports for the Carriers or copies of Form CA-17 for the Carriers to APWU, Local 380 or authorized the Respondent to release such documents to APWU, Local 380, the Respondent will then follow the steps laid out in the Memorandum of Understanding between the Respondent, the National Labor Relations Board, and the Department of Labor, executed on November 22, 2017, in responding to the request of APWU, Local 380 for physician's reports for the Carriers.
- (i) Within 14 days from the date of the Board's Order or an order of a court of appeals, furnish APWU, Local 380 with the information it requested on May 25, 2017, in writing, seeking a copy of the City-Wide 10-hour and 12-hour Overtime Desired List to include the Plant and ASF regarding the second quarter of 2017.
- (j) Within 14 days from the date of the Board's Order or an order of a court of appeals, furnish APWU, Local 380 with the information it

requested on May 25, 2017, in writing, seeking a copy of the Memorial Day Holiday schedule for North Valley Finance and North Valley Carrier Annex or, if after conducting a diligent search Dallas Kingsbury concludes that the information no longer exists, provide a sworn statement from Dallas Kingsbury, which recites all steps taken to search for the information, including, but not limited to, parties interviewed, facilities visited, databases searched, search terms used, documents reviewed, the date upon which the information ceased to exist, and the reason that the information no longer exists. This sworn statement will be provided to the National Labor Relations Board and to APWU, Local 380.

- (k) Within 14 days from the date of the Board's Order or an order of a court of appeals, furnish APWU, Local 380 with the information it requested on May 25, 2017, in writing, seeking a copy of the Memorial Day Holiday Sign Up Sheet for North Valley Finance and North Valley Carrier Annex, or, if after conducting a diligent search Dallas Kingsbury concludes that the information no longer exists, provide a sworn statement from Dallas Kingsbury, which recites all steps taken to search for the information, including, but not limited to, parties interviewed, facilities visited, databases searched, search terms used, documents reviewed, the date upon which the information ceased to exist, and the reason that the information no longer exists. This sworn statement will be provided to the National Labor Relations Board and to APWU, Local 380.
- (l) Within 14 days from the date of the Board's Order or an order of a court of appeals, furnish APWU, Local 380 with the information it requested on June 23, 2017, in writing, seeking the Installation Absence percentages for 2016 and 2017, or, if after conducting a diligent search Dallas Kingsbury concludes that the information no longer exists, provide a sworn statement from Dallas Kingsbury, which recites all steps taken to search for the information, including, but not limited to, parties interviewed, facilities visited, databases searched, search terms used, documents reviewed, the date upon which the information ceased to exist, and the reason that the information no longer exists. This sworn statement will be provided to the National Labor Relations Board and to APWU, Local 380.
- (m) Within 14 days from the date of the Board's Order or an order of a court of appeals, furnish APWU, Local 380 with the information it requested on June 27, 2017, in writing, seeking:

1. Copies of all discipline issued to Clerks working under Weisler, Robert for “Failure to Follow Instructions” for 2016 and 2017. To include “official discussions.”
 2. Copies of all EEOs initiated against Weisler, Robert for the last 10 years; and
 3. Copies of all discipline against Weisler, Robert for 2016 and 2017; and
 4. Copies of all discipline for “Failure to Follow Instructions” issued to all supervisors and managers of the P&DC Albuquerque for 2016 and 2017.
- (n) Within 14 days from the date of the Board’s Order or an order of a court of appeals, furnish APWU, Local 380 with the information it requested on June 30, 2017, and again on July 5, 2017, in writing, seeking:
1. a copy of the Martin Luther King, Jr. Holiday Sign-up Schedule (2017); and
 2. A copy of the Martin Luther King, Jr. Holiday Sign-Up Sheet (2017).
- Or, if after conducting a diligent search Dallas Kingsbury concludes that the information no longer exists, provide a sworn statement from Dallas Kingsbury, which recites all steps taken to search for the information, including, but not limited to, parties interviewed, facilities visited, databases searched, search terms used, documents reviewed, the date upon which the information ceased to exist, and the reason that the information no longer exists. This sworn statement will be provided to the National Labor Relations Board and to APWU, Local 380.
- (o) Within 14 days from the date of the Board’s Order or an order of a court of appeals, furnish APWU, Local 380 with the information it requested on June 30, 2017, and again on July 5, in writing, seeking a copy of the 10-hour/12-hour Clerk OTDL regarding NVCA and NVF for the last quarter (October – December) of 2016.
- (p) Within 14 days from the date of the Board’s Order or an order of a court of appeals, furnish APWU, Local 380 with the information it requested on June 30, 2017, and again on July 5, 2017, in writing, seeking copies of the PS 3972 for all Clerks at the North Valley

Carrier Annex (NVCA) and North Valley Finance (NVF) from January of 2017 to the present.

- (q) Within 14 days from the date of the Board's Order or an order of a court of appeals, furnish APWU, Local 380 with the information it requested on June 30, 2017, and again on July 5, 2017, in writing, seeking a copy of the upcoming 4th of July Holiday Schedule for 2017 regarding North Valley Carrier Annex and the North Valley Finance, or if the information no longer exists, notify the Union in writing that the information no longer exists and the date upon which the information no longer existed.
- (r) Within 14 days from the date of the Board's Order or an order of a court of appeals, furnish APWU, Local 380 with the information it requested on June 30, 2017, and again on July 5, 2017, in writing, seeking a copy of the upcoming 4th of July Holiday Sign-up Sheet for 2017 regarding North Valley Carrier Annex and the North Valley Finance, or, if after conducting a diligent search Dallas Kingsbury concludes that the information no longer exists, provide a sworn statement from Dallas Kingsbury, which recites all steps taken to search for the information, including, but not limited to, parties interviewed, facilities visited, databases searched, search terms used, documents reviewed, the date upon which the information ceased to exist, and the reason that the information no longer exists. This sworn statement will be provided to the National Labor Relations Board and to APWU, Local 380.
- (s) Within 14 days from the date of the Board's Order or an order of a court of appeals, furnish APWU, Local 380 with the information it requested on June 30, 2017, and again on July 5, 2017, in writing, seeking a copy of the President's Day Holiday Schedule for 2017 regarding North Valley Carrier Annex and the North Valley Finance, or, if after conducting a diligent search Dallas Kingsbury concludes that the information no longer exists, provide a sworn statement from Dallas Kingsbury, which recites all steps taken to search for the information, including, but not limited to, parties interviewed, facilities visited, databases searched, search terms used, documents reviewed, the date upon which the information ceased to exist, and the reason that the information no longer exists. This sworn statement will be provided to the National Labor Relations Board and to APWU, Local 380.

- (t) Within 14 days from the date of the Board's Order or an order of a court of appeals, furnish APWU, Local 380 with the information it requested on June 30, 2017, and again on July 5, 2017 in writing, seeking a copy of the President's Day Holiday Sign-up Sheet for 2017 regarding North Valley Carrier Annex and the North Valley Finance, or, if after conducting a diligent search Dallas Kingsbury concludes that the information no longer exists, provide a sworn statement from Dallas Kingsbury, which recites all steps taken to search for the information, including, but not limited to, parties interviewed, facilities visited, databases searched, search terms used, documents reviewed, the date upon which the information ceased to exist, and the reason that the information no longer exists. This sworn statement will be provided to the National Labor Relations Board and to APWU, Local 380.
- (u) Within 14 days from the date of the Board's Order or an order of a court of appeals, furnish APWU, Local 380 with the information it requested on July 5, 2017, in writing, seeking copies of the TAC 800 R4 (Overtime and Leave Report) for all Clerks at the NVCA and NVF from December 2, 2016 to the present.
- (v) Within 14 days from the date of the Board's Order or an order of a court of appeals, furnish APWU, Local 380 with the information it requested on July 5, 2017, in writing, seeking copies of the TAC 840 R4 (Weekly Hour Total Report) for all Clerks at the NVCA and NVF from December 1, 2016 to the present.
- (w) Within 14 days from the date of the Board's Order or an order of a court of appeals, furnish APWU, Local 380 with the information it requested on July 5, 2017, in writing, seeking copies of the TAC 800 RA (SDO Overtime Report) at the NVCA and NVF from December 1, 2016 to the present.
- (x) Within 14 days from the date of the Board's Order or an order of a court of appeals, furnish APWU, Local 380 with the information it requested on July 19, 2017, in writing, seeking a copy of the PS 1767 Report of Hazard, Unsafe Condition or Practice of April 29, 2017 and filed May 28, 2017 (regarding the North Valley Finance (NVF)), which contains both the "Supervisor's Action" and "Approving Official's Action," or, if after conducting a diligent search Dallas Kingsbury concludes that the information no longer exists, provide a sworn statement from Dallas Kingsbury, which recites all steps taken

to search for the information, including, but not limited to, parties interviewed, facilities visited, databases searched, search terms used, documents reviewed, the date upon which the information ceased to exist, and the reason that the information no longer exists. This sworn statement will be provided to the National Labor Relations Board and to APWU, Local 380.

- (y) Within 14 days from the date of the Board's Order or an order of a court of appeals, furnish APWU, Local 380 with the information it requested on July 19, 2017, in writing, seeking a copy of the PS 1767 Report of Hazard, Unsafe Condition or Practice of May 27, 2017 and filed May 28, 2017 (regarding the North Valley Finance (NVF)), which contains both the "Supervisor's Action" and "Approving Official's Action," or, if after conducting a diligent search Dallas Kingsbury concludes that the information no longer exists, provide a sworn statement from Dallas Kingsbury, which recites all steps taken to search for the information, including, but not limited to, parties interviewed, facilities visited, databases searched, search terms used, documents reviewed, the date upon which the information ceased to exist, and the reason that the information no longer exists. This sworn statement will be provided to the National Labor Relations Board and to APWU, Local 380.
- (z) Within 14 days from the date of the Board's Order or an order of a court of appeals, furnish APWU, Local 380 with the information it requested on July 20, 2017, in writing, seeking:
 - 1. Copies of NVF Box Scans 6-17-17 to 6-30-17;
 - 2. Copies of NVF Box Scans 7-1-17 to 7-21-17;
 - 3. Copy of PS 1767 Report of Hazard, Unsafe Condition or Practice of May 23, 2017 and filed May 28, 2017, which contains both "Supervisor's Action" and "Approving Official's Action;" and
 - 4. Copies of 22 Box Section Scans for July 29 through August 5, 2017
- (aa) Within 14 days from the date of the Board's Order or an order of a court of appeals, furnish APWU, Local 380 with the information it requested on August 6, 2017, in writing, seeking copies of any and all GATS Pay Adjustments regarding R.R. Hodgson (EIN XXXXXXXXX) for the years 2015-2016, or, if after conducting a diligent search Dallas Kingsbury concludes that the information no

longer exists, provide a sworn statement from Dallas Kingsbury, which recites all steps taken to search for the information, including, but not limited to, parties interviewed, facilities visited, databases searched, search terms used, documents reviewed, the date upon which the information ceased to exist, and the reason that the information no longer exists. This sworn statement will be provided to the National Labor Relations Board and to APWU, Local 380.

- (bb) Within 14 days from the date of the Board's Order or an order of a court of appeals, furnish APWU, Local 380 with the information it requested on August 6, 2017, in writing, seeking copies of the Clerk Sectional 10-hour and 12-hour Overtime Desired List for the 1st, 2nd, and 3rd quarter 2017.
- (cc) Within 14 days from the date of the Board's Order or an order of a court of appeals, furnish APWU, Local 380 with the information it requested on August 6, 2017, in writing, seeking copies of the TAC 800 R3 (Overtime Alert Report) for ALL Clerks at the Uptown Manager [sic] Station from December 1, 2016 to the present.
- (dd) Within 14 days from the date of the Board's Order or an order of a court of appeals, furnish APWU, Local 380 with the information it requested on August 7, 2017, in writing, seeking:
 - 1. A copy of the North Valley Finance *Box Section Scans for May 13 through June 10, 2017; and
 - 2. A copy of the North Valley Finance (NVF) *Box Section Scan for August 7, 2017.
- (ee) Within 14 days from the date of the Board's Order or an order of a court of appeals, furnish APWU, Local 380 with the information it requested on August 15, 2017, in writing, seeking a copy of the PowerPoint Presentation conducted/utilized at the July 29, 2017 Labor/Management Meeting, or, if after conducting a diligent search Dallas Kingsbury concludes that the information no longer exists, provide a sworn statement from Dallas Kingsbury, which recites all steps taken to search for the information, including, but not limited to, parties interviewed, facilities visited, databases searched, search terms used, documents reviewed, the date upon which the information ceased to exist, and the reason that the information no longer exists. This sworn statement will be provided to the National Labor Relations Board and to APWU, Local 380.

- (ff) Within 14 days from the date of the Board's Order or an order of a court of appeals, furnish APWU New Mexico with the information it requested on August 28, 2017, in writing, seeking:

Copy of all TACs reports, showing all worked hours for all employees, beginning January 01, through August 15, 2017.
Please provide in CSV format, not PDF format.

- (gg) Within 14 days from the date of the Board's Order or an order of a court of appeals, furnish APWU New Mexico with the information it requested on March 7, 2018, in writing, seeking a copy of employee everything TACs reports, showing all hours worked for all Espanola and Fairview employees beginning September 16, 2017 to present in CD format in both PDF and CSV format.
- (hh) Upon request of the Union, resume the practice of not shutting down its facsimile machines at its North Valley Carrier Annex, Academy, Five Points, Foothill, or Pino facilities.
- (ii) Within 14 days of service by the Region, post at its facilities located at 1010 Industrial Park Road, Espanola, New Mexico, 87532 (Espanola Facility); 900 Pinetree Road SE, Rio Rancho, New Mexico, 87124 (Rio Rancho Facility); 201 5th Street SW, Albuquerque, New Mexico, 87102 (Downtown Facility); 1135 Broadway Boulevard NE, Albuquerque, New Mexico, 87101 (Main Office Facility); 6255 San Antonio Drive NE, Albuquerque, New Mexico, 87109 (Academy Facility); 110 Montano Road NE, Albuquerque, New Mexico 87107 (North Valley Carrier Annex Facility); 4600 Paradise Boulevard NW, Albuquerque, New Mexico, 87114 (Pino Facility); 2100 George Road SE, Albuquerque, New Mexico, 87106 (Airport Facility); 2505 Graceland Drive NE, Albuquerque, New Mexico 87110 (Uptown Facility); 424 Veranda Road NW, Albuquerque, New Mexico 87107 (North Valley Finance Facility); 13101 Lomas Boulevard NE, Albuquerque, New Mexico 87123 (Foothill Facility); 1050 Sunset Road SW, Albuquerque, New Mexico 87105 (Five Points Facility), copies of the attached notice marked "Appendix A" in English, and any other languages deemed appropriate by the Regional Director. Copies of the notices, on forms provided by Region 28, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper

notices, the Respondent shall distribute notices electronically, by email, posting on an intranet or internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed the facilities involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since April 6, 2016.

- (jj) Within 21 days after service by the Region, file with the Regional Director for Region 28 of the Board a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

APPENDIX A

NOTICE TO EMPLOYEES

**Posted by Order of the
National Labor Relations Board
An Agency of the United States Government**

**PURSUANT TO A STIPULATION PROVIDING
FOR A BOARD ORDER AND A CONSENT JUDGMENT
OF ANY APPROPRIATE UNITED STATES COURT OF APPEALS**

FEDERAL LAW GIVES YOU THE RIGHT TO:

Form, join, or assist a union;
Choose a representative to bargain with us on your behalf;
Act together with other employees for your benefit and protection;
Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

WE WILL NOT refuse to provide APWU, Local 380 with information that is relevant and necessary to its role as your bargaining representative.

WE WILL NOT refuse to provide APWU New Mexico with information that is relevant and necessary to its role as your bargaining representative.

WE WILL NOT unreasonably delay in providing APWU, Local 380 with information that is relevant and necessary to its role as your bargaining representative.

WE WILL NOT unreasonably delay in providing APWU New Mexico with information that is relevant and necessary to its role as your bargaining representative.

WE WILL NOT shut down the facsimile machines at our Albuquerque, New Mexico facilities because you have given an affidavit, filed Board charges or participated in Board proceedings.

WE WILL NOT refuse to meet and bargain in good faith with APWU, Local 380 any proposed changes in wages, hours and working conditions before putting such changes into effect.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

WE HAVE provided APWU, Local 380 with the information it requested on August 6, 2017, in writing, seeking copies of Box Scans for the Uptown Station for the period June 24, 2017 to August 5, 2017.

WE HAVE provided APWU New Mexico with the information it requested on August 28, 2017, in writing, seeking:

- (1) List of all FTR and PSE's on the rolls at affected facilities, with their current job descriptions, and responsibilities;
- (2) List of all proposed changes in hours, job descriptions, and duty assignments;
- (3) Copy of all office weekly work schedules, showing scheduled work hours for all employees beginning January 1, 2017 through August 15, 2017;
- (4) List of all abolishments and job re-postings;
- (5) Copy of SOV report, workload analysis data;
- (6) Copy of all TACs reports, showing all worked hours for all employees, beginning January 01, through August 15, 2017. Please provide in CSV format, not PDF format;
- (7) Explanation and data relied upon for abolishment and reposting.

WE WILL provide APWU, Local 380 with the information it requested on April 6, 2017, in writing, seeking copies of the Annual Box Section (Facility) Reports from 2008 through 2016.

WE WILL provide APWU, Local 380 with the information it requested on April 7, 2017, in writing, seeking copies of the original duty assignment posting for ALL Clerk bid jobs with split days off in the Albuquerque Installation.

WE WILL provide APWU, Local 380 with the information it requested on April 7, 2017, in writing, seeking copies of the present-day duty assignment posting for ALL Clerk bid jobs with split days off in the Albuquerque Installation.

WE WILL provide APWU, Local 380 with the information it requested on April 8, 2017, in writing, seeking copies of all Mystery Shopper Reports for the North Valley Finance from January 2010 through March 31, 2017.

WE WILL provide APWU, Local 380 with the information it requested on April 8, 2017, in writing, seeking copies of all Mystery Shopper Reports for ALL retail stations – to include POEs – for the Albuquerque Installation from January 10, 2010 through March 31, 2017.

WE WILL provide APWU, Local 380 with the information it requested on April 8, 2017, in writing, seeking copies of all reports and surveys generated from the <http://postalexperience.com> or the 1-800-410-7420 as well as the “scan code for mobile device” for the North Valley Finance from January 2010 through March 31, 2017.

WE WILL provide APWU, Local 380 with the information it requested on April 8, 2017, in writing, seeking copies of all reports and surveys generated from the <http://postalexperience.com> or the 1-800-410-7420 as well as the “scan code for mobile device” for all retail stations – to include POE’s – in the Albuquerque Installation from January 2010 through March 31, 2017.

WE WILL seek to provide APWU, Local 380 with the information it requested on April 28, 2017, in writing, seeking: copies of all physician’s reports for Robert Geiger (Pino Station); Robert Chavira (Pino Station); Dee Dee Gonzalez (Pino Station); William Roth (Rio Rancho Station); Shelly Sandoval (Five Points Station); Maria Breaux-Gonzalez (Five Points Station); Sandra Olguin (NVCA); Janice Springer (Uptown Station); and Leonard Rodrigues (Airport Station), by the following actions, including, but not limited to:

- Seek waivers for the above-named employees to release their physician’s reports to APWU, Local 380
- Seek permission from the Department of Labor Office of Workers Compensation Programs to release the above-named employees’ physician reports to APWU, Local 380
- Seek permission from the Department of Labor Office of Workers Compensation Programs to release deidentified physician’s reports for the above-named employees to APWU, Local 380
- Seek permission from the Department of Labor Office of Workers Compensation Programs to release Forms CA-17 related to the above-named employees to APWU, Local 380
- Follow the steps laid out in the Memorandum of Understanding between the Respondent, the National Labor Relations Board, and the Department of Labor, executed on November 22, 2017

WE WILL provide APWU, Local 380 and Region 28 of the National Labor Relations Board with documentation that we have taken each of these steps, and if we receive approval to release the information, **WE WILL** do so within three days.

WE WILL provide APWU, Local 380 with the information it requested on May 25, 2017, in writing, seeking a copy of the City-Wide 10-hour and 12-hour Overtime Desired List to include the Plant and ASF regarding the second quarter of 2017.

WE WILL provide APWU, Local 380 with the information it requested on May 25, 2017, in writing, seeking a copy of the Memorial Day Holiday schedule for North Valley Finance and North Valley Carrier Annex, or, if after conducting a diligent search we conclude that the information no longer exists, **WE WILL** provide APWU, Local 380 with a sworn statement, which recites all steps taken to search for the information, including, but not limited to, parties interviewed, facilities visited, databases searched, search terms used, documents reviewed, the date upon which the information ceased to exist, and the reason that the information no longer exists.

WE WILL provide APWU, Local 380 with the information it requested on May 25, 2017, in writing, seeking a copy of the Memorial Day Holiday Sign Up sheet for North Valley Finance and North Valley Carrier Annex, or, if after conducting a diligent search we conclude that the information no longer exists, **WE WILL** provide APWU, Local 380 with a sworn statement, which recites all steps taken to search for the information, including, but not limited to, parties interviewed, facilities visited, databases searched, search terms used, documents reviewed, the date upon which the information ceased to exist, and the reason that the information no longer exists.

WE WILL provide APWU, Local 380 with the information it requested on June 23, 2017, in writing, seeking the Installation Absence percentages for 2016 and 2017 or, if after conducting a diligent search we conclude that the information no longer exists, **WE WILL** provide APWU, Local 380 with a sworn statement, which recites all steps taken to search for the information, including, but not limited to, parties interviewed, facilities visited, databases searched, search terms used, documents reviewed, the date upon which the information ceased to exist, and the reason that the information no longer exists.

WE WILL provide APWU, Local 380 with the information it requested on June 27, 2017, in writing, seeking:

- Copies of all discipline issued to Clerks working under Weisler, Robert for “Failure to Follow Instructions,” for 2016 and 2017, to include “official discussions”
- Copies of all EEOs initiated against Weisler, Robert for the last 10 years, and

- Copies of all discipline against Weisler, Robert for 2016 and 2017, and
- Copies of all discipline for “Failure to Follow Instructions” issued to all supervisors and managers of the P&DC Albuquerque for 2016 and 2017.

WE WILL provide APWU, Local 380 with the information it requested on June 30, 2017, and again on July 5, 2017, in writing, seeking:

- A copy of the Martin Luther King, Jr. Holiday Sign-up Schedule (2017), and
- A copy of the Martin Luther King, Jr. Holiday Sign-Up Sheet (2017)

or, if after conducting a diligent search we conclude that the information no longer exists, **WE WILL** provide APWU, Local 380 with a sworn statement, which recites all steps taken to search for the information, including, but not limited to, parties interviewed, facilities visited, databases searched, search terms used, documents reviewed, the date upon which the information ceased to exist, and the reason that the information no longer exists.

WE WILL provide APWU, Local 380 with the information it requested on June 30, 2017, and again on July 5, in writing, seeking a copy of the 10-hour/12-hour Clerk OTDL regarding NVCA and NVF for the last quarter (October – December) of 2016.

WE WILL provide APWU, Local 380 with the information it requested on June 30, 2017, and again on July 5, 2017, in writing, seeking copies of the PS 3972 for all Clerks at the North Valley Carrier Annex (NVCA) and North Valley Finance (NVF) from January 2017, to the present.

WE WILL provide APWU, Local 380 with the information it requested on June 30, 2017, and again on July 5, 2017, in writing, seeking a copy of the upcoming 4th of July Holiday Schedule for 2017 regarding North Valley Carrier Annex and the North Valley Finance, or, if after conducting a diligent search we conclude that the information no longer exists, **WE WILL** provide APWU, Local 380 with a sworn statement, which recites all steps taken to search for the information, including, but not limited to, parties interviewed, facilities visited, databases searched, search terms used, documents reviewed, the date upon which the information ceased to exist, and the reason that the information no longer exists.

WE WILL provide APWU, Local 380 with the information it requested on June 30, 2017, and again on July 5, 2017, in writing, seeking a copy of the upcoming 4th of July Holiday Sign-up Sheet for 2017 regarding North Valley Carrier Annex and the North Valley Finance, or, if after conducting a diligent search we conclude that the information no longer exists, **WE WILL** provide APWU, Local 380 with a

sworn statement, which recites all steps taken to search for the information, including, but not limited to, parties interviewed, facilities visited, databases searched, search terms used, documents reviewed, the date upon which the information ceased to exist, and the reason that the information no longer exists.

WE WILL provide APWU, Local 380 with the information it requested on June 30, 2017, and again on July 5, 2017, in writing, seeking a copy of the President's Day Holiday Schedule for 2017 regarding North Valley Carrier Annex and the North Valley Finance, or, if after conducting a diligent search we conclude that the information no longer exists, **WE WILL** provide APWU, Local 380 with a sworn statement, which recites all steps taken to search for the information, including, but not limited to, parties interviewed, facilities visited, databases searched, search terms used, documents reviewed, the date upon which the information ceased to exist, and the reason that the information no longer exists.

WE WILL provide APWU, Local 380 with the information it requested on June 30, 2017, and again on July 5, 2017, in writing, seeking a copy of the President's Day Holiday Sign-up Sheet for 2017 regarding North Valley Carrier Annex and the North Valley Finance, or, if after conducting a diligent search we conclude that the information no longer exists, **WE WILL** provide APWU, Local 380 with a sworn statement, which recites all steps taken to search for the information, including, but not limited to, parties interviewed, facilities visited, databases searched, search terms used, documents reviewed, the date upon which the information ceased to exist, and the reason that the information no longer exists.

WE WILL provide APWU, Local 380 with the information it requested on July 5, 2017, in writing, seeking copies of the TAC 800 R4 (Overtime and Leave Report) for all Clerks at the NVCA and NVF from December 2, 2016 to the present.

WE WILL provide APWU, Local 380 with the information it requested on July 5, 2017, in writing, seeking copies of the TAC 840 R4 (Weekly Hour Total Report) for all Clerks at the NVCA and NVF from December 1, 2016 to the present.

WE WILL provide APWU, Local 380 with the information it requested on July 5, 2017, in writing, seeking copies of the TAC 800 RA (SDO Overtime Report) at the NVCA and NVF from December 1, 2016 to the present.

WE WILL provide APWU, Local 380 with the information it requested on July 19, 2017, in writing, seeking a copy of the PS 1767 Report of Hazard, Unsafe Condition or Practice of April 29, 2017 and filed May 28, 2017 (regarding the North Valley Finance (NVF)), which contains both the "Supervisors Action" and "Approving Official's Action" or, if after conducting a diligent search we conclude that the information no longer exists, **WE WILL** provide APWU, Local 380 with a sworn statement, which recites all steps taken to search for the information,

including, but not limited to, parties interviewed, facilities visited, databases searched, search terms used, documents reviewed, the date upon which the information ceased to exist, and the reason that the information no longer exists.

WE WILL provide APWU, Local 380 with the information it requested on July 19, 2017, in writing, seeking a copy of the PS 1767 Report of Hazard, Unsafe Condition or Practice of May 27, 2017 and filed May 28, 2017 (regarding the North Valley Finance (NVF)), which contains both the “Supervisors Action” and “Approving Official’s Action” or, if after conducting a diligent search we conclude that the information no longer exists, **WE WILL** provide APWU, Local 380 with a sworn statement, which recites all steps taken to search for the information, including, but not limited to, parties interviewed, facilities visited, databases searched, search terms used, documents reviewed, the date upon which the information ceased to exist, and the reason that the information no longer exists.

WE WILL provide APWU, Local 380 with the information it requested on July 20, 2017, in writing, seeking:

- Copies of NVF Box Scans 6-17-17 to 6-30-17;
- Copies of NVF Box Scans 7-1-17 to 7-21-17;
- Copy of PS 1767 Report of Hazard, Unsafe Condition or Practice of May 23, 2017 and filed May 28, 2017 which contains both “Supervisor’s Action” and “Approving Official’s Action”; and
- Copies of 22 Box Section Scans for July 29 through August 5, 2017

WE WILL provide APWU, Local 380 with the information it requested on August 6, 2017, in writing, seeking copies of any and all GATS Pay Adjustments regarding R.R. Hodgson (EIN XXXXXXXXX) for the years 2015-2016 or, if after conducting a diligent search we conclude that the information no longer exists, **WE WILL** provide APWU, Local 380 with a sworn statement, which recites all steps taken to search for the information, including, but not limited to, parties interviewed, facilities visited, databases searched, search terms used, documents reviewed, the date upon which the information ceased to exist, and the reason that the information no longer exists.

WE WILL provide APWU, Local 380 with the information it requested on August 6, 2017, in writing, seeking copies of the Clerk Sectional 10-hr and 12-hr Overtime Desired List for the 1st, 2nd, and 3rd quarter of 2017.

WE WILL provide APWU, Local 380 with the information it requested on August 6, 2017, in writing, seeking copies of TAC 800 R3 (Overtime Alert Report) for

ALL Clerks at the Uptown Manager [sic] Station from December 1, 2016 to the present.

WE WILL provide APWU, Local 380 with the information it requested on August 7, 2017, in writing, seeking:

- (1) a copy of the North Valley Finance *Box Section Scans for May 13 through June 10, 2017; and
- (2) a copy of the North Valley Finance (NVF) *Box Section Scan for August 7, 2017

WE WILL provide APWU, Local 380 with the information it requested on August 15, 2017, in writing, seeking a copy of the PowerPoint Presentation conducted/utilized at the July 29, 2017 Labor/Management Meeting or, if after conducting a diligent search we conclude that the information no longer exists, **WE WILL** provide APWU, Local 380 with a sworn statement, which recites all steps taken to search for the information, including, but not limited to, parties interviewed, facilities visited, databases searched, search terms used, documents reviewed, the date upon which the information ceased to exist, and the reason that the information no longer exists.

WE WILL provide APWU New Mexico with the information it requested on August 28, 2017, in writing, seeking:

- (1) List of all FTR and PSE's on the rolls at affected facilities, with their current job descriptions, and responsibilities;
- (2) List of all proposed changes in hours, job descriptions, and duty assignments;
- (3) Copy of all office weekly work schedules, showing scheduled work hours for all employees beginning January 1, 2017 through August 15, 2017;
- (4) List of all abolishments and job re-postings;
- (5) Copy of SOV report, workload analysis data;
- (6) Copy of all TACs reports, showing all worked hours for all employees, beginning January 01, through August 15, 2017. Please provide in CSV format, not PDF format;
- (7) Explanation and data relied upon for abolishment and reposting.

WE WILL provide APWU New Mexico with the information it requested on March 7, 2018, in writing, seeking a copy of employee everything TACs reports,

showing all hours worked for all Espanola and Fairview employees beginning September 16, 2017 to present in CD format in both PDF and CSV format.

WE WILL, upon request of the APWU New Mexico, resume the practice of not shutting down the facsimile machines at our North Valley Carrier Annex, Academy, Five Points, Foothill, or Pino Facilities.

UNITED STATES POSTAL SERVICE

The Board's decision can be found at www.nlr.gov/case/28-CA-200369 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

